

**AN ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE**

02-0-0189

AN ORDINANCE REAFFIRMING THE NECESSITY OF THE \$1.00 SURCHARGE UPON EACH WIRELESS TELECOMMUNICATION CONNECTION SUBSCRIBED TO TELEPHONE SUBSCRIBERS WHOSE BILLING ADDRESS IS WITHIN THE CITY OF ATLANTA, PURSUANT TO THE AUTHORIZATION GRANTED IN SECTIONS 46-5-133 (A) AND 46-5-134(A)(2)(A) OF THE OFFICIAL CODE OF GEORGIA ANNOTATED AND FOR OTHER PURPOSES.

WHEREAS, the General Assembly finds and declares it is in the public interest to shorten the time required for a citizen to request and receive emergency aid; and

WHEREAS, the General Assembly finds and declares that the benefits of "911" service should be widely available, regardless of whether a "911" call is placed from traditional landline telephone or from a wireless telephone and it is also in the public interest that users of wireless telephones should bear some of the cost of providing this service, as users of landline telephones currently do; and

WHEREAS, it is the intent of the General Assembly to bring wireless telephone service within the scope of Section 46-5-121 of the O.C.G.A. and to establish a means by which local public safety agencies may provide enhanced "911" service to wireless telephone users; and

WHEREAS, "wireless service" means "commercial mobile service" as defined under Section 332(D) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 157 et seq.), regulations of the Federal Communications Commission, and the Omnibus Budget Reconciliation Act of 1993 (PL 103-66) and included real-time, two-way interconnected voice service which is provided over networks which utilize intelligent switching capability and offer seamless handoff to customers; and

WHEREAS, "wireless service supplier" means a provider of wireless service; and

WHEREAS, wireless "telecommunication connection" means any mobile station for wireless service which is assigned a number containing an area code assigned to Georgia by the North American Numbering Plan Administrator that connects a provider of wireless service to a provider of local exchange telephone service; and

WHEREAS, "wireless enhanced "911" charge means a contribution to the local government for the cost to the local government of implementing or upgrading, and maintaining, an emergency "911" system which is capable of receiving and utilizing automatic number identification, the location of the base station or cell site which receives the "911" call, and the location of the wireless telecommunications connection as it relates to "911 calls made from a wireless

telecommunication connection. Nonrecurring and recurring installation, maintenance, service, and network charges of a wireless service supplier to provide the aforementioned information and other cost which may be paid with money from the Emergency Telephone System Fund pursuant to Subsection (e) of Code Section 46-5-134 of the O.C.G.A.; and

WHEREAS, Section 46-5-133 of the O.C.G.A. authorizes any local government, which prior to 1988 operated or contracted for the operation of an enhanced emergency telephone number "911" system which is capable of providing or provides enhanced "911" service to persons or entities with a wireless telecommunications connection, excluding a military base, to adopt an ordinance to impose a monthly wireless enhanced "911" charge upon each wireless telecommunications connection subscribed to by telephone subscribers whose billing address is within the jurisdiction of the local government. On or after January 1, 1999, no monthly "911" charge provided for may be imposed or continue to be imposed unless each dispatch center funded in whole or in part from such charges is in compliance with Code Section 36-80-19, relating to required TDD training for communication officers; and

WHEREAS, Section 46-5-134(a)(2)(a) provides that wireless enhanced "911" charges may not exceed the monthly "911" charge imposed upon subscribers of exchange access facility for land lines and in no event, shall such wireless enhanced "911" charge exceed \$1.00 per month per wireless telecommunications connection provided to the telephone subscriber; and

WHEREAS, each service supplier that collects "911" or wireless enhanced "911" charges on behalf of a local government is entitled to retain as an administrative fee an amount equal to 3% of the gross "911" or wireless enhanced "911" charge receipts to be remitted to the local government; and

WHEREAS, BEFORE July 1, 2002, 30¢ of the monthly wireless enhanced "911" charge imposed shall be deposited in a separate restricted reserve account of the Emergency Telephone System Fund.

THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA THAT PURSUANT TO THE AUTHORITY GRANTED IN section 46-5-133(a) and 46-5-134(a)(2)(A) of the Official Code of Georgia Annotated there be ad is hereby levied a \$1.00 surcharge upon each wireless telecommunication connection subscribed to by telephone subscribers whose billing address is within the jurisdiction of the City of Atlanta.

BE IT FURTHER ORDAINED that pursuant to Section 46-5-133(a) of the O.C.G.A. that the effective date of the levy shall be at least 120 days following the date of the adoption of the resolution levying the charge, the \$1.00 surcharge shall become effective the first day of the month following the 120-day period.

BE IT FURTHER ORDAINED that pursuant to Section 46-5-134 (a) (1) of the O.C.G.A. the Service Supplier (s) shall, on behalf of the City of Atlanta, collect the "911" charge from those telephone subscribers to whom it provides exchange telephone service in the area served by the emergency "911" system.

BE IT FURTHER ORDAINED that pursuant to Section 46-5-134(d)(1) of the O.C.G.A. the Service Supplier shall retain as an administrative fee an amount equal to 3% of gross wireless enhanced "911" charge receipts to be remitted to the City.

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office:

Greg Pridgeon

(For review & distribution to Executive Management)

Commissioner's Signature:



Director's Signature: Gary Donaldson

From: Originating Dept: Finance Department

Contact (name) Rick Anderson: 404.330.6454

Committee(s) of Purview: Finance/Executive Committee

Committee Deadline: _____

Committee Meeting Date (s): January 30, 2002

City Council Meeting Date: _____

CAPTION:

AN ORDINANCE REAFFIRMING THE NECESSITY OF A \$1.00 SURCHARGE UPON EACH WIRELESS TELECOMMUNICATION CONNECTION SUBSCRIBED TO TELEPHONE SUBSCRIBERS, WHOSE BILLING ADDRESS IS WITHIN THE CITY OF ATLANTA, PURSUANT TO THE AUTHORIZATION GRANTED IN SECTIONS 46-5-133 (A)(2)(A) OF THE OFFICIAL CODE OF GEORGIA ANNOTATED AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

This ordinance is an annual requirement by the State, to allow local government to collect wireless emergency 911 fees.

FINANCIAL IMPACT (if any):

The City collected \$1,845,010.00 in 2001.

OTHER DEPARTMENT(S) IMPACTED: _____

Received by Mayor's Office: _____

(date)

Reviewed: _____

(initials)

(date)

Submitted to Council: _____

(date)

Action by

Committee:

Approved

Adversed

Held

Amended

Substitute

Referred

Other

RCS# 3450
2/04/02
4:06 PM

Atlanta City Council

Regular Session

CONSENT II

Pages: 7 thru 11: Except 02-0-0184

REFER

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

02-0-0148
02-0-0149
02-0-0150
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| Y Smith | NV Archibong | Y Moore | Y Mitchell |
| Y Starnes | Y Fauver | Y Martin | Y Norwood |
| Y Young | Y Shook | Y Maddox | Y Willis |
| Y Winslow | Y Muller | Y Boazman | NV Woolard |

CONSENT II